



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 7, 2016

TO: Susan Tae, AICP
Hearing Officer

FROM: Carl Nadela, AICP 
Zoning Permits East Section

**SUBJECT: Project No. R2015-02353-(5)
Conditional Use Permit No. 201500095
HO Meeting: November 15, 2016
Agenda Item: 4**

The above-mentioned item is a request for a Conditional Use Permit to authorize a new wireless telecommunication facility located in the parking lot of an existing church. This item was first scheduled for public hearing on November 17, 2015 and was subsequently continued to March 15, 2016 and June 21, 2016, without the public hearing being opened.

On June 21, 2016, the Hearing Officer heard a presentation from staff, opened the public hearing and requested that the applicant provide additional information regarding the Alternative Sites Analysis conducted for the project. The Hearing Officer also requested additional information regarding County Counsel's legal opinion on staff's proposed recommendation. To allow the applicant and staff time to submit and review the requested information, the Hearing Officer continued the public hearing to September 6, 2016, and subsequently to November 1, 2016. In response to the Hearing Officer's request, the applicant submitted an expanded Alternatives Sites Analysis and photo-simulations for the project. Staff also consulted with County Counsel and confirmed that staff's analysis, determination and recommendation for the project is within the local permitting authority of the county. This information was transmitted to the Hearing Officer via a memo dated October 19, 2016. On November 1, 2016, the Hearing Officer indicated her intent to deny the project and instructed staff to prepare revised Findings of Denial. The Hearing Officer then continued the public hearing to November 15, 2016.

As requested, please find attached revised draft Findings of Denial for the project.

If you need further information, please contact Carl Nadela at (213) 974-6435 or cnadela@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

SUGGESTED DENIAL MOTION:

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND DENY
CONDITIONAL USE PERMIT NUMBER 201500095 PURSUANT TO THE ATTACHED
FINDINGS.**

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02353-(5)
CONDITIONAL USE PERMIT NO. 201500095**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500095 ("CUP") on June 21, 2016, September 6, 2016, ~~and~~ November 1, 2016 and November 15, 2016.
2. The permittee, Verizon Wireless ("permittee"), requests the CUP to authorize a new Wireless Telecommunication Facility (WTF) disguised as a eucalyptus tree in the parking lot of an existing church rectory ("Project") on a property located at 2949 Lincoln Avenue in the unincorporated community of Altadena ("Project Site") in the R-1-7500 Zone pursuant to Los Angeles County Code ("County Code") section 22.20.100.
3. The Project Site is 0.8 acres in size and consists of one legal lot. The Project Site is mostly rectangular in shape with flat topography and is developed with a rectory and a spill over parking area.
4. The Project Site is located in the Altadena Zoned District and is currently zoned as R-1-7500 (Single Family Residence with a Minimum Lot Area of 7,500 square feet).
5. The Project Site is located within the LD (Low Density Residential) land use category of the Altadena Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1-7500, C-2 (Neighborhood Business), R-3 (Limited Density Multiple Residence)
 - South: R-1-7500
 - East: R-1-7500
 - West: R-1-7500
7. Surrounding land uses within a 500-foot radius include:
 - North: Single family residences, various commercial uses
 - South: Church, single-family residences
 - East: Single-family residences
 - West: Single-family residences
8. Ordinance No. 1494 was adopted on September 12, 1927, which created the Altadena Zoned District and established the R-1 zone on the subject property.

Zone Exception Case 1041 was approved on February 2, 1944 to establish a church and school on the R-1 property immediately to the south of the subject property.

Ordinance 5541 was adopted on May 9, 1950, which established the R-1-7500 zone on the subject property.

Zone Exception Case 2063 was approved on June 6, 1955, which authorized additions and expansions to an existing convent at the site.

Zone Exception Case 5341 was approved on November 12, 1959, which authorized additions to the existing church and school on the property to the south.

Project No. R2005-03535-(5)/Conditional Use Permit No. 200500226 was approved on January 16, 2007, which authorized the construction, operation and maintenance of a new wireless telecommunications facility at the subject site, consisting of a 53 foot tall monopalm and associated equipment shelter. This permit expires on January 16, 2017.

9. The site plan for the Project depicts the subject property with access from Lincoln Avenue. It shows the existing rectory building and associated spillover parking lot. It also shows the location of the proposed Verizon WTF, as well as the existing Sprint WTF at the site.
10. The Project Site is accessible via Lincoln Ave to the east.
11. The site plan indicates the spillover parking areas for the rectory. These provide ample parking spaces to serve the parking needs for the regular maintenance activities needed for the WTF located at the site.
12. Three other alternative sites were considered for the project, particularly near the intersection of Lincoln Avenue and Altadena Drive, where there is a cluster of commercial uses. These alternative sites were deemed infeasible since they were to the north of where the facility needs to be located in order to address the significant gap in coverage.
13. In addition, in response to a request by the Hearing Officer, the applicant submitted an expanded Alternative Sites Analysis that reviewed a total of eight alternatives, including the proposed project design of a mono-eucalyptus tree and a co-location design on an existing Sprint mono-palm facility at the proposed project site. The analysis also indicated why the alternative sites and designs were not feasible and therefore, why the applicant has chosen the proposed project site and mono-eucalyptus design.
14. Wireless phone coverage maps indicate that this facility is necessary to ensure that there are no gaps in wireless phone coverage in the area.
15. A Network Justification Statement dated May 18, 2016 by Amanda Lam, Radio Frequency Design engineer, was also prepared and submitted for the site indicating the reasons why a co-location with the existing Sprint facility at the site was not feasible, according to the applicant.

16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
17. Prior to the hearing, the applicant has also attended a number of community meetings and has redesigned the project to address some of the concerns raised by the community as well as by staff. This includes the redesign of the project from an originally proposed mono-palm to the new, proposed mono-eucalyptus tree facility.
18. Staff received three emails from the community opposing this project, as well as another proposed mono-palm by Verizon located at 2949 Lincoln Avenue. Staff also received two petitions opposing both projects. The first petition contained 27 signatures from the residents of the area and the second petition contained the signatures from the first petition as well as 30 signatures from parents of children attending the Pasadena Waldorf School. Both petitions indicate their opposition to new cell phone towers in the neighborhood of Altadena as well as near their children's schools in Altadena or Pasadena. The cover email of the petition also raised the issue of over concentration of cell phone towers in the area which was the historically lower income side of Altadena.
19. On June 21, 2016, the Hearing Officer, heard a presentation from staff, opened the public hearing and requested that the applicant provide additional information regarding the Alternative Sites Analysis conducted for the project. The Hearing Officer also requested additional information regarding County Counsel's legal opinion on staff's proposed recommendation. To allow the applicant and staff time to submit and review the requested information, the Hearing Officer continued the public hearing to September 6 and subsequently to November 1, 2016. As requested by the Hearing Officer, the applicant submitted an expanded Alternative Sites Analysis, which was transmitted to the Hearing Officer through a memo dated October 19, 2016. The memo also indicated that staff has consulted with County Counsel and confirmed that staff's analysis, determination and recommendation for the project is within the local permitting authority of the County. On November 1, 2016, the Hearing Officer indicated her intent to deny the project and instructed staff to prepare the appropriate Findings of Denial. To give staff time to prepare such Findings, the Hearing Officer continued the public hearing to November 15, 2016.

(Additional information to be inserted after the public hearing to reflect hearing proceedings on November 15, 2016.)

- 19.20. The Hearing Officer finds that the WTF and accessory equipment, are consistent with the LD (Low Density Residential) land use category of the Altadena Community Plan.

This purpose of this category is to maintain existing single-family residential. The proposed WTF would be disguised as a eucalyptus tree which will ensure that the existing predominantly residential character of the surrounding neighborhood is maintained. The proposed WTF would also support several of the policies of this Plan

and is therefore consistent with the underlying land use designation of the Community Plan.

~~20-21.~~ The Hearing Officer finds that the WTF and accessory equipment are consistent with the requirements of the R-1 Zone. Pursuant to Section 22.20.100 of the Zoning Code, radio and television towers are permitted in the R-1 Zone provided a conditional use permit has first been obtained and while such permit is in full force and effect in conformity with the conditions of such permit.

~~21-22.~~ The Hearing Officer finds that the proposed project does not meet the Conditional Use Permit Burden of Proof requirements pursuant to section 22.56.040 of the County Code and Subdivision and Zoning Ordinance Policy No. 01-2010.

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code, as well as Subdivision and Zoning Ordinance Policy No. 01-2010. The applicant has not satisfactorily justified the selection of the project site for the proposed facility. There are viable alternative sites in the area and the applicant has not satisfactorily ruled these sites out, but

In addition, the applicant has not submitted sufficient proof to show that the applicant has undertaken and completed a good-faith effort to co-locate the proposed facility on the site of another such facility on the same location. There is an existing Sprint facility on the same site as the proposed Verizon facility and the applicant has not submitted adequate justification as to why co-locating the proposed facility with the existing one is not technically feasible.

~~22-23.~~ The Hearing Officer finds that the requested use at this location will not adversely affect the health, peace, comfort or welfare of persons residing, working or commuting in the area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the health, safety or general welfare of the public.

The WTF provides necessary wireless telecommunication service to the area that helps promote the safety, security and general welfare of the residents, workers and commuters in the area. Furthermore, being designed as a faux-eucalyptus tree and located in the middle of an existing parking lot, the WTF is of adequate distance and camouflaging from public areas.

~~23-24.~~ The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The project site is approximately 0.8 acres with an unused spillover parking lot which easily accommodates the proposed WTF. The WTF is adequately disguised and set back from public areas.

24.25. The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The proposed site is adequately served by public utilities as required by the proposed use.

The existing rectory, as well as the WTF, are directly adjacent to Lincoln Avenue and W. Mariposa St, major roadways, and have access to energy and other public utilities.

25.26. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Altadena Library at 600 E. Mariposa St., Altadena, CA 91001. On October 6, 2015, a total of 361 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 4 notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties. The noticed agenda item was previously continued on November 17, 2015, January 5, 2016 and March 21, 2016 without the public hearing being opened.

26.27. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with appropriate conditions will be consistent with the adopted General Plan and the Altadena Community Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

E. The applicant has not undertaken and completed a good-faith effort to co-locate the proposed facility on the site of an existing facility on the same property.

E.F. The applicant has not submitted sufficient explanation and documentation that the proposed site is the least intrusive site that is available in the coverage area that is capable of closing the significant coverage gap in terms of visual and aesthetic impacts.

THEREFORE, THE HEARING OFFICER:

1. Denies Conditional Use Permit No. 201500095.

ACTION DATE: November 15, 2016

MM:CN

10/18/2016

c: Zoning Enforcement, Building and Safety